



# COLAB SAN LUIS OBISPO WEEK OF FEBRUARY 5 - 11, 2017



COLAB  
San Luis Obispo County

8th  
ANNUAL



# DINNER & FUNDRAISER

**CELEBRATE SUCCESS - REINFORCE REFORM**

**Thursday, March 30, 2017**



**Alex Madonna Expo Center, San Luis Obispo**

5:15 PM - Social Hour, No Host Cocktails

6:15 PM - Filet Mignon Dinner including Wine

**Exciting Auction!**

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## **THIS WEEK**

### **SAVE OUR FISHERMEN, FARMS & RECREATION FROM FEDERAL RULE**

**(SEE AGENDA ITEM 3, PAGE 4)**

### **COUNTY LEGISLATIVE PROGRAM**

### **THE GOOD, THE BAD & THE UGLY**

**(WILL HILL AND GIBSON ENDORSE PROP. 13 PROTECTIONS?)**



## **LAST WEEK**

### **NO BOARD MEETING**

**(5<sup>th</sup> TUESDAY)**

### **SLOCOG ENDORSES NEW & INCREASED TAXES**

## **SLO COLAB IN DEPTH**

**(SEE PAGE 17)**

# ADAM HILL IS ON STRIKE – OK, SUSPEND HIS PAYCHECK

BY MICHAEL F BROWN

## CALIFORNIA FLAILING INTO IRRELEVANCE

BY ANDY CALDWELL

## AMERICA'S SECOND CIVIL WAR

BY DENNIS PRAGER

## THIS WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, February 7, 2017 (Scheduled)

**Item 1 - Monthly Drought Report.** Conditions have improved due to the local rains in January and heavy snowfall in the Sierra. Local reservoirs have been filling. The Enviros are disappointed. They want the drought to continue as an excuse to maintain and expand regulatory controls.

#### Reservoir levels as of January 24, 2017:

##### Reservoir Levels (% of capacity):

| Reservoir  | % of Capacity | Current Acre Feet Storage |
|------------|---------------|---------------------------|
| Nacimiento | 78%           | 294,925                   |
| Whale Rock | 53%           | 20,655                    |
| Lopez      | 33%           | 16,407                    |
| Salinas    | 67%           | 15,980                    |

Source: [www.slocountywater.org](http://www.slocountywater.org) County of San Luis Obispo

#### December 21, 2016 Data:

##### Reservoir Levels (% of capacity):

| Reservoir  | % of Capacity | Current Acre Feet Storage |
|------------|---------------|---------------------------|
| Nacimiento | 25%           | 92,900                    |
| Whale Rock | 32%           | 12,339                    |
| Lopez      | 22%           | 11,031                    |
| Salinas    | 9%            | 2,260                     |

Source: [www.slocountywater.org](http://www.slocountywater.org) County of San Luis Obispo

**Item 3 - Submittal of a resolution opposing the proposed Chumash Heritage National Marine Sanctuary.** The staff is returning with a Resolution opposing the Federal creation of the Sanctuary. The matter is as controversial as the nomination, and although ostensibly sponsored by an entity called the Northern Chumash Tribe (not recognized by the Feds, it is actually a major effort of the Sierra Club. The Northern Chumash Tribe is not related to the Santa Ynez Band of Chumash Indians, which has objected to former Congresswoman Lois Capp's endorsement of the proposed sanctuary while attacking their effort to develop housing in the Santa Ynez Valley.

Opposition to the establishment of the Sanctuary violates the elitist left's revealed knowledge and renders opponents to be deplorable, rightest troglodytes. This includes fisherman, agricultural interests, Harbor Districts, COLAB, and apparently Supervisors Arnold, Compton, and Peschong.

Supervisor Gibson, in a long letter to the editor of the San Luis Obispo Tribune (a portion reproduced here), castigates the opponents and lists supposed facts.

*More worrisome than committee assignments, the new board majority went after the proposed [Chumash Heritage National Marine Sanctuary](#), recently nominated for our coastal waters. Ignoring the sanctuary's secure protection against offshore oil — not to mention the economic benefits to tourism and the chance to advance Cal Poly's marine research efforts — Arnold, Peschong and Compton directed staff to prepare a resolution of opposition.*

*While we heard fevered opposition from commercial fishing groups, direction issued to the majority by the lobbyist representing the [Coalition of Labor, Agriculture and Business](#) could not have been more clear.*

*Hill and I voted no. Tellingly, Arnold refused an amendment requiring the resolution to affirm the county's 30-year opposition to offshore oil, as codified by the 1986 voter-approved Measure A.*

*The facts:*

- (1) The proposed sanctuary would not regulate fishing.*
- (2) Commercial fishing has thrived in nearby sanctuaries.*
- (3) Other projects like harbor dredging and desalination plants can be accommodated.*
- (4) We've never had local control of state and federal waters, so offshore drilling is now back on the table.*

*The sanctuary resolution, with its invitation to the oil industry, will be formally considered by our board in a few weeks.*

*We now have a board majority unconcerned with collegiality, facts or the interests of county residents.*

The real purpose of the sanctuary may be to forestall off shore oil development, but this is already banned by executive order ( an order which can only be overturned by Congress). Moreover, the State Lands Commission appears to be ready to issue a ban on all new wells, even from approved leases where oil drilling is already taking place. You have ask why this is issue is generating so much pressure and venom.

New oil drilling is already banned. The San Jose Mercury summarized the situation in December:

*Working to lock in environmental protections as the clock runs out on his presidency, President Barack Obama on Friday released a plan for offshore oil drilling in federal waters that bans until 2022 any new drilling off the coasts of California, Oregon or Washington.*

*The move puts up a roadblock to President-elect Donald Trump, who has [vowed to expand offshore oil and gas drilling](#).*

*U.S. Interior Secretary Sally Jewell said the decision “is consistent with the longstanding position of the Pacific coast states in opposition to oil and gas development off their coasts.”*

*[The decision](#), a rule that outlines which offshore areas will be open for leasing by oil companies from 2017 to 2022, also blocked new oil drilling in federal waters off the Atlantic coast and in the hotly contested Arctic Ocean north of Alaska in the Chukchi and Beaufort seas. It allowed oil companies to bid for 10 lease sales, however, in the Gulf of Mexico and one off the Alaska coast at Cook Inlet, southwest of Anchorage.*

*Conservation groups expressed delight.*

*“The removal of our waters from offshore drilling plans is paramount to protecting coastal communities in Alaska and across the Eastern and Western seaboard,” said Michael Brune, national executive director of the Sierra Club. “The actions taken today by the Obama administration recognize this.”*

We repeat our analysis from several weeks ago below (fairly extensive) for the convenience of our readers and in response to Gibson’s so-called elucidation of the “facts.”

**Background:** The proposed sanctuary is billed as benign, but one need only visit the website for the existing Monterey Bay Sanctuary to understand the vast array of restrictions.

**Purpose:** The purpose of the proposed Chumash Marine Heritage Sanctuary is to restrict and/or foreclose the public use of ocean resources (and impact adjacent land uses) within a vast area offshore, running from Cambria to Santa Barbara. As the analogous existing Monterey Sanctuary's website makes clear:

## ***Resource Protection***

**Overview:** *There are a variety of resource protection issues within the Sanctuary region due to the sensitivity of habitats and species in the region, the long stretch of adjacent populated coastline, and the multiple uses of the marine environment. The Sanctuary addresses these issues through a variety of means to reduce or prevent detrimental human impacts.*

**Note:** It's those problem humans again.  
**Note the emphasis on "detrimental human impacts."**



## **PROPOSED CHUMASH SANCTUARY**

**Should we just deport them east of the Sierra?**

**The Monterey Sanctuary Website states:**

*Approaches include collaborative multi-stakeholder management efforts to identify and reduce impacts, reviewing and commenting on projects which may impact the Sanctuary, regulations on prohibited activities, issuing of permits with conditions to minimize impacts, and where necessary, enforcement.*

**Note:** You can be in a Delphi group and plead for your business, property rights, and fish while the leftist apparatchiks make demands and threaten you.

*Resource protection issues are also addressed through response to emergency events such as spills, through educational outreach to assist the public and businesses in minimizing impacts, and by monitoring to more closely target management efforts.*

**Additional Regulation:** The establishment of the proposed marine sanctuary would impose a new and formidable layer of regulation on the people of San Luis Obispo County in addition to other water and land use regulatory quagmires currently in place. Thus the sanctuary would be in addition to the State of California Department of Fish and Wildlife, the State Water Resources Control Board, the Central Coast Regional Water Quality Control Board, the California Coastal Commission, the US Army Corps of Engineers, the US Bureau of Fisheries, the US Coast Guard, the US Nuclear Regulatory Commission, the California State Lands Commission, the California State Department of Boating and Waterways, the San Luis Obispo County Department of Planning and Building, the San Luis Obispo County Sheriff's Office Marine Unit, the San Luis Obispo County Air Pollution Control District, and numerous others.



**Proponents:** A key backer of the sanctuary proposal is the Sierra Club and its local Santa Lucia Chapter, which promotes its key benefit as being that oil, gas, and other kinds of mineral extraction activities are prohibited in Federal Marine sanctuaries. How stupid! If there were oil and gas offshore, you would think the County and others would support its recovery. Why would they slit their proverbial wrists over this kind of quackery? The royalties and taxes would help fix the horrible road and infrastructure deficit in the County (hundreds of millions). Of course new oil and gas development is already banned as noted above.

Another backer appears to be a somewhat amorphous group called the Northern Chumash, who suggest that the sanctuary is needed to protect Native American cultural and spiritual resources. A more cynical view is that their interest is simply a ploy to create a public shakedown mechanism by which jobs, contracts, and other forms of patronage are distributed to members. In other words, if you want to expand the designated fishing area, you have to get a permit from the sanctuary. Part of the permit process would require you hire a cultural resources expert to provide expert advice on whether the permit should be granted. A website supporting the Chumash Marine Sanctuary states in part:

*The Sanctuary will protect now submerged Chumash Sacred sites ranging from villages to solstice alignments 6 to 13 miles offshore. Chumash records suggest occupation of the central coast area for 20,000 years with two recorded dates of: \* 18,000 years at Point Conception, an extremely important Chumash Sacred Place \* 14,500 years on the Channel Islands North of Point Conception, Jalama is a Sacred Chumash village site. Other significant Chumash sites associated with the ocean ecology are found along the adjacent coastal terrain north to Point Sal including two 10,000 year-old sites within Vandenberg AFB. Onshore San Luis Bay are four major Chumash Sacred sites – three known to have been occupied for 9,000 years: \* The site for which the City of Pismo Beach is named \* The site where the Chumash people return to renew the Traditional Ritual Ceremony Cycle \* The old Chumash Capital in the area of Avila Beach, now partially covered by sea level rise \* The Chumash Sacred site at Diablo Cove along the coastline of the Pecho Coast Continuing north are the Chumash Village Sacred site in Los Osos, hundreds of Chumash Sacred sites ringing Morro Bay, the Chumash village Sacred site of Cayucos (continuously occupied for 8,000 years), other large sites found in the area to a mile north of Pt. Estero, and two Chumash village Sacred sites in Cambria (continuously occupied for 10,000 years).*

Perhaps, by way of creating cultural resources mitigation, the existing timeshare former hotel in Avila can be expanded into a new casino. It's situated well above any potential sea level rise.

**Note: The Santa Ynez Valley Chumash have nothing to do with this Sanctuary scheme.**

**Philosophical Orientation and Elitist Power:** The Feds operate a number of marine sanctuaries around the country, including the Monterey Bay Sanctuary to the north and the Channel Islands Sanctuary to the south. Remember that the sanctuary, if established, will be a regulatory program of a Federal department with the full force and might of Federal law enforcement behind it, including the FBI and Federal Prosecutors, and backed by trillions of your tax dollars. Intellectually and programmatically this new agency will have its roots in the elitist enviro-aristocracy of Boston, Georgetown, and the upper eastside of Manhattan. We would point out that there are no Federal marine sanctuaries around Cape Cod/Martha's Vineyard, the Hamptons, or Boca Raton, where these people enjoy their carbon based coal, oil, steel and other

robber baron industrial inheritances to finance their yachting, sport fishing, lobster dinners, and vacation “cottages.”

**Collaborative Approach?** Don’t throw any fish guts over the side, pee, or smoke a medicinal joint when a Monterey Sanctuary patrol plane is around or you may be doing Federal time like Martha Stewart. Note the high set rearward wing configuration and camera pods to maximize crew observation potential. This thing can fly at high enough altitude where you can’t hear it. The crew can sneak up on you, orbit, and zoom in with powerful telephoto lenses. It betrays the real underlying doctrine and purpose of the sanctuary.



Wonder if they use it to  
check out the surf or travel  
to conferences too?

### **Monterey Sanctuary Provides a Window into Potential Chumash Sanctuary Activities and**

**Impacts:** Most busy citizens who have even faintly heard of the proposed sanctuary may believe that the regulatory focus is on fishing. In part, this is because local fisherman and other marine related interests have been quick to try to inform the public of the problems faced by their counterparts in the Monterey Sanctuary. Everyone needs to know that the program is much more pervasive and impacts on many aspects of life. Some, but not all, of the regulatory functions include the representative samples below:

**1. Agriculture:** The Sanctuary will impact farming and ranching because it has the power to regulate water runoff from streams and other sources on the land. As the Monterey Sanctuary website states in its carte blanche approach to regulatory expansion: In addition, over 7000 square miles of watersheds immediately adjacent to the Sanctuary drain to its wetlands and marine waters. The website ominously also states:

*The aspects of agriculture that potentially impact water quality include erosion and sedimentation, offsite transport of chemical fertilizers and pesticides, and microbial contamination. Stormwater, flooding, irrigation, and leaching can all mobilize substances that are beneficial while on-site, but become pollutants as they concentrate in neighboring streams, rivers, wetlands, and nearshore waters. Though each individual farm or ranch may contribute a relatively small amount of pollutants, the cumulative effects through the length of a watershed can be damaging.*

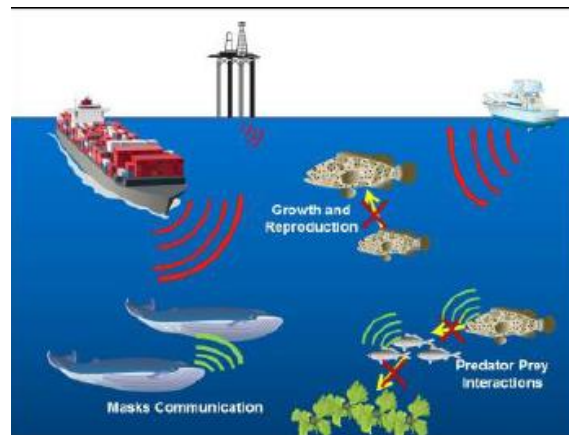
a. The Monterey Sanctuary has set up a whole process and sub-organization to regulate agricultural water (the Agriculture and Rural Lands Action Plan). It also has a dedicated staff to manage this program. This is in addition to the State’s infamous Agricultural Water Runoff Order.

b. Will a Central Coast Chumash Sanctuary double down as well?

**2. Acoustic Impacts:** *Noise generated by human activities can have a detrimental effect on marine life. Studies have documented behavioral responses, lost listening opportunities, and physical injuries in wildlife due to exposure to anthropogenic (human-induced) noise. Sources of*



underwater noise include large commercial shipping traffic such as container ships, freighters, barges and tankers; smaller recreational and commercial vessels; sonars used in military training; pile drivers and dredging used in marine construction; air guns and other seismic sources used in energy exploration; sonars and other active acoustic sources used in research activities; and aerial sources such as over-flights.



**3. Climate Change:** Climate change's effects on the marine environment, including warming seawater temperatures, ocean acidification, sea level rise, and changes in currents, upwelling and weather patterns, have the potential to cause fundamental changes in the nature and character of marine and coastal ecosystems.

The waters of Monterey Bay National Marine Sanctuary, as well as surrounding coastal areas and communities, are experiencing the effects of climate change (e.g., sea level change, increasing sea surface temperature, and ocean acidification).

**4. Fishing and Harvesting:** Monterey Bay National Marine Sanctuary does not directly manage any aspect of commercial or recreational fisheries. Fishing in state waters (usually 0-3 nautical miles from shore) is generally managed by the California Department of Fish and Wildlife. The responsibility for managing fishing in federal waters (beyond 3 miles) rests with NOAA's National Marine Fisheries Service (NMFS) and the Pacific Fishery Management Council (PFMC). In 2008, NOAA issued a report that provided an overview of NOAA's process for regulating fisheries in sanctuary waters as mandated by the Magnuson-Stevens Act and the National Marine Sanctuaries Act. Current involvement of the Monterey Bay National Marine Sanctuary in issues related to fishing includes conducting fisheries-related research, sponsoring educational events and programs (Voices of the Bay, Fishermen in the Classroom and Local Catch Monterey Bay), commenting to other agencies on fishery and ecosystem management issues, and the development of ecosystem protection plans related to fishing such as the Effects of Trawling on Benthic Habitats Action Plan and the Fishing Related Education and Research Action Plan.

a. Although they claim not to be interfering, they are feeding the other regulatory agencies. Fishermen who are struggling to survive are facing the powerful staff, financing, and advocacy of a Federal agency.

b. Who is representing the fisherman with public money? Where is the equity?

**5. Oil and Gas Development:** Development of a permanent prohibition on oil and gas activity was one of the major reasons for designation of the Monterey Bay Sanctuary. However, there is some level of remaining threat due to potential oil development to the south of the Sanctuary. In the past 10 years



*the State of California has adopted legal restrictions to prohibit new oil and gas leasing and development. Temporary moratoria have been in place for federal waters since 1982. The most current directive (June 1998, Clinton administration) under the OCS Lands Act prevents any leasing of new areas for oil and gas exploration and development through June 30, 2012. The OCS presidential deferrals do not restrict development of already leased Federal areas. There are 36 remaining undeveloped active OCS leases south of the MBNMS off the coast in San Luis Obispo and Santa Barbara counties. Should these sites eventually be developed, any potential spills could potentially cross Sanctuary boundaries and impact sanctuary resources. Oil spills could have a major impact on foraging birds, marine mammals and fishes, as well as important habitat like kelp beds, wetlands and rocky shores, and on tourism and the coastal economy.*

**Note:** The Sanctuary staff writer sees oil and gas development as a “threat.” So much for fair and impartial government administration. Wonder how they power the patrol plane? Or get to work for that matter.

**6. Cruise Ships:** *Large cruise ships began visiting Monterey in 2002. These ships can provide local businesses with economic benefits, particularly if they introduce the region to tourists who may return for later visits. However, both the public and businesses have raised concerns about environmental issues associated with these ships.*

*Due to cruise ship visitation to Monterey Bay, and concern over potential impacts to marine resources from these vessels, this issue has drawn significant attention from the public. At the February 7, 2003 meeting, the MBNMS Advisory Council passed a resolution recommending that MBNMS staff pursue a regulatory prohibition on harmful discharges from cruise ships.*

*Note: Anonymous “concern” spurs the agency into developing a regulatory prohibition.*

**7. Shipping Lanes:** *There are approximately 4000 transits of the Sanctuary each year by large shipping vessels (greater than 300 gross tons), including container ships, bulk freighters, hazardous materials carriers, and tankers. Vessel traffic within the Sanctuary was a major issue of concern raised during the designation process due to potential impacts from a large spill should one of these vessels ground along the coastline. For example, an oil spill could severely impact the sea otter population. The Sanctuary also hosts an abundance of whales and the National Marine Fisheries Service has identified vessel strikes as one of the threats that could impede the recovery of endangered whales so it is vital to understand vessel traffic in the Sanctuary, for more information on ship strikes see whale strikes.*



#### **8. Desalination - Sanctuary Regulations and Desalination:**

*Without careful planning and mitigation measures, desalination plants have the potential to negatively impact the sensitive marine environment of the sanctuary. For example, marine organisms can be killed by impingement against seawater intake screens or by being pulled through the intake system (referred to as entrainment); marine life can be significantly impacted*

*by discharge of the saline brine and other by-products produced by desalination, and; local seafloor habitat may be significantly altered by construction of intake and outfall structures.*

*Three of the sanctuary's regulations relate directly to desalination. The first involves a prohibition on discharging or depositing any material within Sanctuary boundaries. Since the brine effluent, and in some cases other materials, are usually disposed of in ocean waters, this activity requires Sanctuary authorization of Regional Water Quality Control Board (RWQCB) permits. The second sanctuary regulation pertains to discharging materials outside of the boundaries, which subsequently enter sanctuary waters and negatively impact MBNMS resources. As with the previous regulation, MBNMS approval via authorization of the RWQCB permit is required. The third relevant regulation involves a prohibition on activities that cause alteration of the seabed. Thus installation of certain desalination facility structures such as an intake/outfall pipeline on or beneath the ocean floor will also require sanctuary authorization.*

**Note:** Each of the substantive functional areas discussed above is backed up on the Sanctuary website with more detailed examples about what they actually mean in terms of regulations and permitting. Our reading of the desalination component suggests that it will be almost, if not totally, impossible to obtain the permits from all the cognizant agencies for a central coast (say combined Santa Barbara County/SLO County) large scale desal plant even without the opposition advocacy of new marine sanctuary staffers. While proponents are citing prohibitions on oil and gas development as the main justification, we think that this also may be a ploy to drive a final nail into the coffin of any major future desal proposal.

**Is Something Up?** The National Oceanic and Atmospheric Administration (NOAA) held a workshop on Wednesday, January 6, 2016, during which the National Oceanic and Atmospheric Administration (NOAA) supposedly listened to what locals think about the proposed sanctuary. There was the usual rhetoric about its benefits and functions but little detail about its structure and cost. This information is essential for the public to make an informed opinion concerning the creation of a new government agency. There was never any follow up during the rest of 2016. Significantly the Sierra Club has been funding large costly full page ads in the SLO Tribune, advocating for the establishment of the sanctuary. Are they party to information to which the rest of the community, including SLO County, does not have access?

### **Lack of Basic Information:**

1. What is the expected annual operating budget for the new sanctuary? Does experience in the Channel Islands and Monterey Bay sanctuaries provide any data on this question?
2. Similarly, how many staffers will be employed by the new sanctuary?
3. What does the typical table of organization look like?
4. What types of professions and job titles will be involved?
5. Will any of the staff be Federal officers with police powers? Will any such officers be assigned collaterally?
6. What has been the regulatory violation and enforcement experience in the Monterey Bay and Channel Islands sanctuaries to date – year over year?

7. How much in fines is collected each year?
8. Would the Federal Government consider letting the citizens of San Luis County vote on the issue rather than simply having some Federal imperial praefect make the decision?
9. Proponents claim an economic development net benefit to those communities that host Federal marine sanctuaries. Where is the independent economic analysis to support this assertion?

**Item 34 - Consideration of the County's 2017 State Legislative Platform.** The Board of Supervisors is being requested to consider and approve the 34-page document, which provides guidance to the County's lobbyists, CSAC representatives, Assemblyman, and State Senator with respect to the Board of Supervisors general and specific policy priorities as well as specific funding requests.

New this year is an extensive section related to the impending closure of the Diablo Nuclear Power Plant, continuing demands focused on the State Public Utilities Commission, other State and Federal agencies, and PG&E itself. These generally parallel the County's filing with the PUC related to its demand that a variety of conditions be imposed on PG&E as part of any approval by the PUC of the PG&E plan to phase out the plant over the next 9 years.

Again, the write-up fails to note that if the conditions and costs imposed by the PUC are not workable and are rejected by PG&E and other signatories to the Joint Proposal ( the plan), the Plant could close next year.

**Beyond the PG&E issues, the general section on "Legislative Goals" can be tricky. For example:**

**Goal 6 states:**

*Encourage and seek legislation that protects, promotes and preserves the County's quality of life, its diverse natural resources, its economic base, and the character and history of the County, including legislation which would provide funding to local agencies to develop programs, policies and projects.*

This one sounds nice on the surface, but could it provide cover to support new environmental, climate change, and land use restrictions?

**Goal 11 states:**

*Support the principles adopted by the California State Association of Counties (CSAC) and the Rural County Representatives of California (RCRC) where they are consistent with the principles and priorities identified by the County of San Luis Obispo Board of Supervisors.*

Here is a carte blanche policy that would allow staff and Supervisors to ignore local preferences and to support major tax increases which have already been endorsed by CSAC, such as AB 1 and SB 1 increases in the gasoline tax, vehicle license fee, carbon tax , and others.

What if CSAC endorses a bill weakening Proposition 13?

**Goal 14 States:**

*Oppose any measures or legislation that reduces the super majority vote required to raise taxes from 2/3rd to 55%. How does this one comport with goal 11 above?*

**Goal 15 States:**

*Oppose any legislation or initiative that proposes to modify Proposition 13. Specifically oppose any legislation or proposal that would establish a so-called “Split Roll” for property tax, which would thereby reduce protections for commercial property owners.*

Again, which one controls: 11 or 15?

This discussion provides a good example why Supervisor Gibson needed to be removed as the County’s CSAC representative. He would go to Sacramento and, under aegis of something like Goal 11, put the County on record as supporting all manner of increased taxes, fees, and regulations.

Supervisor Peschong will be a refreshing change in this regard.

Another section of the platform deals with “specific issues.” Some of the more concerning examples include:

**Page 10 - With respect to groundwater sustainability agencies (GSA’s) under the State Groundwater Management Act (SGMA) the staff (or someone) proposes:**

*Seek funding or other resources from the State and Federal Government to assist in the development of GSA’s and GSP’s. Work with State legislators and agencies on seeking clarity, as well as new or clean-up language and policy related to SGMA, including but not limited to funding, and basin boundaries. Sponsor legislation to modify Government Code Section 53313 to authorize community facilities districts to collect funds through a Mello Roos fee in order to administer basins.*

The purpose is to allow these entities to issue debt and then levy an additional property tax on future development and assessed value to pay it off. The voters have no say. A developer or consortium of landowners (in a water district) could impose this directly if the legislation passes.

This one should be pulled out of the platform and set for separate discussion and full disclosure and not buried here.

**Page 13 - relating to the Dunes recreational riding area and State Park:**

*Sponsor and support legislation that requires State Park management plans to proactively manage State owned lands in ways that do not result in harm (i.e. flooding) of adjacent developed properties and existing locally maintained infrastructure.*



What exactly is this abutting? What is the extent of the flooding? How would it work? What are the impacts?

**Page 19 - Would the County support increased and/or new transportation taxes and fees under the provision below?**

*The State urgently needs to approve legislation to return transportation-dedicated funding to transportation projects and dedicate new and ongoing state revenues to repair, maintain and upgrade local streets, roads and highways. Support legislation that increases state funding dedicated to local streets and roads maintenance, particularly for rural counties who rely on adequate road maintenance funding to support the agricultural economy's infrastructure needs. Advocate for funds dedicated to transportation to be "lock boxed" to avoid future raids on local transportation funding. Oppose legislation and State proposals that "take" gas tax and other road revenues*

**Page 31- Carte blanche support for new legislation limiting the ability to rent your house or guest house for short term rental income:**

*Support legislation that properly balances the quality of life of permanent residents with the economic benefits of short-term rentals booked through internet websites.*

The full platform can be seen at the website:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/7012/MjAxNyBMZWdpc2xhdGl2ZSBQbG F0Zm9ybSAthHJlZGxpbnUgdGVyc2lvbi5wZGY=/12/n/73320.doc>

## LAST WEEK'S HIGHLIGHTS

### No Board of Supervisors Meeting on Tuesday, January 31, 2017 (Not Scheduled)

Generally the Board does not hold meetings on the 5<sup>th</sup> Tuesday of the month.

### San Luis Obispo County Council of Governments Meeting of Wednesday, February 1, 2017 (Completed)

**Item C-3: Legislative Program.** The staff recommends that the CSAC Board support new and increased taxes and fees in its Legislative Program. The SLOCOG Board approved endorsing new taxes and tax increases in its Annual Legislative Program. All the members voted YES

except for Supervisors Compton and Peschong. Atascadero Mayor O'Malley also voted no. Supervisor Arnold was absent.

**Some of the key provisions include:**

*Increase state fuel excise tax revenues and index to address inflation.*

*Stabilize and increase revenue from the price based gasoline excise tax: reset rate to 21.5cents/gal (pre-gas tax swap level) while maintaining current distribution formula, and eliminate the annual revenue neutrality adjustment.*

*Restore and dedicate for transportation the Vehicle License Fees (up to 2% of the value of cars, with tiered exemptions for low income).*

*Restore \$500m (1/2) of truck weight fees.*

*Increase Cap and Trade Funding dedicated for transportation purposes.*

*Increase percentage of Cap and Trade revenues dedicated for transportation purposes.*

**Item C-4: Consideration of Support for Assembly Bill 1 and Senate Bill 1.** The staff recommended that the SLOCOG Board Support AB 1 and SB 1, which would increase transportation funding but also increase taxes and fees. All the Board members voted to endorse these bills except for Supervisors Peschong, and Compton. Supervisor Arnold was absent. Atascadero Mayor O'Malley voted YES, stating that if the Transportation tax Measure J had been approved by the voters, he would have voted no on this one.

Key provisions and differences between the Bills include:

1. Annual expenditures as listed in the table below:

| Funding Comparison (in Millions of dollars)  |                 |                  |                 |
|--|-----------------|------------------|-----------------|
|  | AB 1 (Frazier)  | Governor         | SB 1 (Beall)    |
| Local Streets & Roads                        | \$ 2,027        | \$ 1,100         | \$ 2,068        |
| State Highways                               | \$ 1,433        | \$ 1,780         | \$ 1,474        |
| Transit Improvements                         | \$ 563          | w/ rail \$ 400   | \$ 563          |
| Intercity and Commuter Rail                  | -               | -                | \$ 38           |
| Corridors                                    | Trade \$ 600    | Corridors \$ 275 | Trade \$ 600    |
| State-Local Partnership Program              | \$ 200          | -                | \$ 200          |
| State Transportation Improvement Prog. (/yr) | \$ 594          | \$ 800           | \$ 594          |
| State Highway Operation & Protection Prog.   | \$ 162          |                  | \$ 162          |
| Active Transportation Program                | \$ 80           | \$ 100           | \$ 80           |
| Advanced Mitigation Program                  | \$ 30           |                  | \$ 30           |
| Educ, Research & Workforce Training          | \$ 5            |                  | \$ 2            |
| <b>Totals</b>                                | <b>\$ 5,694</b> | <b>\$ 4,455</b>  | <b>\$ 5,810</b> |

2. Annual new taxes and tax and fee increases necessary to pay for it all as presented in this table:

**New Vehicle and Fuel-Based Tax/Fee Provisions**

|                                   | <b>AB 1 (Frazier)</b> | <b>SB 1 (Beall)</b> |
|-----------------------------------|-----------------------|---------------------|
| Gas tax restoration               | 7.5 cents/gallon      | 7.5                 |
| New gas tax increase <sup>1</sup> | 12 cents/gallon       | 12                  |
| Diesel excise tax increase        | 20 cents/gallon       | 20                  |
| Sales tax on diesel increase      | 3.5% increase         | 4% increase         |
| Vehicle registration fee          | \$38/year             | \$38/year           |
| Zero emission vehicle fee         | \$165/year            | \$100/year          |

**Note that California already has some of the highest taxes and fees in the nation related to transportation.**

**GAS TAX:** California has the nation's 7th highest "gas pump" tax at 56.6 cents/gallon (November, 2016). But add in the unique 10-12 cent CA "cap and trade" cost per gallon, and CA is in the top 3 states (with PA and WA). National average is 48.9 cents. Yet CA has the 9th worst highways. NOTE: CA state legislature leaders are discussing a new additional 17-cents/gal-gasoline tax. <http://www.api.org/oil-and-natural-gas/consumer-information/motor-fuel-taxes/gasoline-tax> (CA roughly tied w/WA for highest total diesel tax) and [http://reason.org/files/22nd\\_annual\\_highway\\_report.pdf](http://reason.org/files/22nd_annual_highway_report.pdf)

**"CAP AND TRADE" TAX:** CA has now instituted the highest "cap and trade" tax in the nation – indeed, the ONLY such U.S. tax. Even proponents concede that it will have zero impact on global warming. <http://tinyurl.com/WSJ-CA-cap-and-trade>

**FINES AND FEES:** CA driving tickets are incredibly high. Red-light camera ticket \$490. Next highest state is \$250. Most are around \$100. <http://reason.org/blog/show/red-light-cameras-and-the-enigmatic>

**TRANSPORTATION COSTS:** CA has 2nd highest annual cost for owning a car – \$4,112, or \$370 higher than the other 49 states' average. <http://tinyurl.com/zcame8j>

**SALES TAX:** CA has the highest state sales tax rate in the nation, at 7.5% (does not include local sales taxes). Two 2015 bills sought a combined \$10 billion++ CA state and local sales tax increase (failed to pass that year). <http://taxfoundation.org/article/state-and-local-sales-tax-rates-2011-2013>

## 2017–18 Cap-and-Trade Expenditure Plan

(In Millions)

| Program   | Amount                       |
|---|------------------------------|
| <b>Continuous Appropriations</b>                  |                              |
| High-speed rail                                   | \$375                        |
| Affordable housing and sustainable communities    | 300                          |
| Transit and intercity rail capital                | 150                          |
| Transit operations                                | 75                           |
| <b>Subtotal, Continuous Appropriations</b>        | <b>(\$900)</b>               |
| <b>Discretionary Spending</b>                     |                              |
| Public transit and active transportation projects | \$500                        |
| Clean transportation and petroleum use reduction  | 363                          |
| Transformative Climate Communities                | 142                          |
| Carbon sequestration                              | 128                          |
| Short-lived climate pollutants                    | 95                           |
| Energy efficiency and renewable energy            | 28                           |
| <b>Subtotal, Discretionary Spending</b>           | <b>(\$1,255<sup>a</sup>)</b> |
| <b>Total</b>                                      | <b>\$2,155</b>               |

The local officials are of course salivating over the estimated local allocations displayed on the next page below.

### SAN LUIS OBISPO COUNTY ALLOCATIONS

- \$18.5m/yr for local street and road maintenance and rehabilitation:
  - \$13.2m/yr to SLO County
  - \$5.3m/yr to the Cities
- \$2.9m in one time funding to cities and the county to repay loans.
  - \$2.1m to SLO County
  - \$.84m to the Cities.
- \$3m/year in new State Transportation Improvement Program (STIP, highways).
- Formula-based public transit funds, with range depending on auction revenue levels from Cap and Trade.

### Local Streets & Roads Funding

#### AB1 (Frazier) and SB1 (Beall) – 12Dec2016 versions

|                                   | Annual at full Phase-in | One-time Loan Repay  |
|-----------------------------------|-------------------------|----------------------|
| <i>Estimated 15 December 2016</i> | <b>\$2.2 Billion*</b>   | <b>\$352 Million</b> |
| <b>SAN LUIS OBISPO COUNTY</b>     | 13,226,388              | 2,097,157            |
| ARROYO GRANDE                     | 599,536                 | 95,061               |
| ATASCADERO                        | 1,003,434               | 159,103              |
| EL PASO DE ROBLES                 | 1,049,978               | 166,483              |
| GROVER BEACH                      | 452,576                 | 71,760               |
| MORRO BAY                         | 353,777                 | 56,094               |
| PISMO BEACH                       | 265,264                 | 42,060               |
| SAN LUIS OBISPO                   | 1,575,621               | 249,828              |

A number of the SLOCOG Board members reacted to criticism of the proposal by stating that this is just a Band-Aid. COLAB asked: When you are going to rise up and lead opposition to the current State financing mess? By approving these new taxes these officials are simply prolonging and enabling the current situation. It's the equivalent of encouraging an alcoholic through co-dependency.

## SLO COLAB IN DEPTH

In fighting the troublesome, local day-to-day assaults on our freedom and property, it is also important to keep in mind the larger underlying ideological, political, and economic causes and forces.

## ADAM HILL IS ON STRIKE – OK, SUSPEND HIS PAYCHECK

By Michael F Brown

Adam Hill is unhappy. He feels he is entitled to certain outside agency board and committee appointments that he had held for the past 8 years. He wants to perpetually serve on the Board of

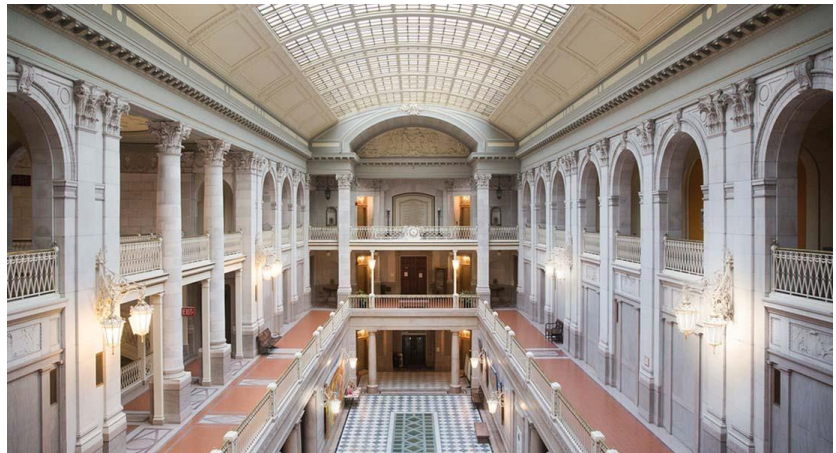


the Economic Vitality Corporation (EVC) and as the alternate on the Boards of both the Local Agency Formation Commission (LAFCO) and the California State Association of Counties Board of Directors. His buddy Bruce Gibson, feigning his usual outrage, was also removed from assignments that he had monopolized for 10 years.

Even though he casts himself as “Mr. Social Justice,” defender of the poor, homeless, and aged, Hill is not interested in serving on the Adult Services Policy Council, Community Action Partnership of San Luis Obispo (CAPSLO), Homeless Services Oversight Council, Latino Outreach Council, or Psychiatric Health Facility Committee. Not so accidentally, it has been Supervisor Arnold who has labored on most of these jobs for the past 4 years. She was assigned without ever being asked and has served admirably. These are time consuming and demanding committees and organizational board appointments. Perhaps Hill and Gibson think these are “girl” assignments and that they are entitled to the more visible and prestigious “he-man” public policy appointments.

Now it turns out that Hill, who did not receive his first choices, is retaliating by refusing to serve in any of the assignments whatsoever. That’s right, he is on strike.

From time to time, the more disturbed and egocentric politicians will resort to such theatrics. The ploy reminds me of a City of Hartford, Connecticut City Councilman who some years ago fell out with the City Council majority of which he was actually a member. They kicked him out of their caucus (no Brown Act in Connecticut). In “protest” he moved his desk outside the City Council offices and into the hall,



which was actually on a very visible balcony in a huge atrium. There he sat day after day in glorious isolation, his desk partially blocking the balcony (actually next to the bench on the left side in the photo). The stunt was staged to call attention to his effort to disrupt the City Council majority. When he refused to move, the Treasurer started holding up his paychecks.

Hill seems to be following the same script.

The Board of Supervisors has set up a variety of subject specific advisory boards and committees to assist it in determining needs, potential service improvements, funding strategies, policies, and ordinances. Serving on some of these bodies is included in the normal duties of each Supervisor. Currently there are several vacancies that have no Board member representative. As part of his “job action” Hill is refusing to serve on any, unless perhaps he thinks he can negotiate his way back to his first choices.

The Board should simply appoint him to the bodies that have unclaimed vacancies. Under the State Statutes governing boards of supervisors, each board has broad powers to operate. This would include making its member assignments. California Government Code, Section 25003: The board may make and enforce rules and regulations necessary for the government of the

board, the preservation of order, and the transaction of business. A subsequent section of the statute, 25042, prohibits county supervisors from neglecting or refusing to perform the duties imposed upon them: *Any supervisor who (a) refuses or neglects to perform any duty imposed on him, without just cause, or (b) willfully violates any law provided for his government as a supervisor, or (c) fraudulently or corruptly performs any duty imposed on him, or (d) willfully, fraudulently, or corruptly attempts to perform an act as supervisor which is unauthorized by law, in addition to any other penalty prescribed by law, forfeits to the county five hundred dollars (\$500) for every such act, to be recovered on his official bond, and is further liable on his official bond to any person injured thereby for all damages sustained.*

If Hill should refuse the Board-imposed assignments, and as the statute requires, he would be “neglecting a duty imposed upon him without just cause.” He is not refusing to attend the meetings of these bodies for just cause, such as being ill or even overworked. It is simply a form of political maneuvering.

In addition to the remedies imposed in the statute, the Auditor Controller should sequester his bi-weekly paycheck. After all, a county employee who refuses to perform a portion of his or her duties would be first warned and then dismissed. Why should the elected Supervisors be treated any differently?

In the larger picture Hill partially blames COLAB for the change in assignments. He and Supervisor Gibson assert that COLAB is somehow directing the new Board majority. Both Gibson and Hill, in defense of their zealotry, miss the point. COLAB is a government watchdog that supports more limited government, less taxation, economic growth, and freedom. We judge policies and programs on the basis of how they conform to or deviate from these principles.

The fact that someone elected to the Board of Supervisors may adhere to similar criteria for evaluating policy does not make them running dogs of COLAB or anyone else. Hill’s and Gibson’s superficial and unsubstantiated allegations in this case are insultingly belittling of their colleagues and their colleagues’ constituents. That Hill and Gibson have falsely proclaimed such a lie, demonstrates their own desperation and fear.

These personal attacks themselves demonstrate why they are unfit to be Chairmen of the Board of Supervisors, LAFCO members, CSAC reps, and EVC Board members.

*Mike Brown is the Government Affairs Director of the Coalition of Labor Agriculture and Business (COLAB) of San Luis Obispo County. He had a 42-year career as a city manager and county executive officer in 4 states including California. He can be reached at [mike@colabslo.org](mailto:mike@colabslo.org)*

## **California Flailing Into Irrelevance**

**By Andy Caldwell**

During the Obama Administration, the president all too often gladly took his phone and pen in hand to bypass the Congress to get things done using executive orders and regulatory agencies to do his bidding. While some people think that was heroic, it was blatantly unconstitutional. The

State of Texas, among others, routinely sued the Obama administration for violating states' rights and federal law.

Now, it's California's turn to establish a bulwark against the Trump administration by way of appointing Xavier Becerra as our State Attorney General, and hiring former US Attorney General Eric Holder as a contract attorney, to file legal challenges against the feds with an emphasis on immigration laws and border security. However, California is positioning itself to fight against established federal law in addition to new laws adopted by Congress. In other words, when Texas and numerous other states fought Obama, they had the law and the Constitution on their side. California's only weapon against Trump is flimsy partisan ideology.

Where will our new congressional representative Salud Carbajal position himself when this war breaks out between our state and the federal government? Suffice it to say, that Salud Carbajal has already given up all pretense of being a bipartisan voice, having decidedly shifted to the far left politically.

Our region's most pressing problem is still our drought situation exacerbated by the fact that state and federal authorities want us to waste even more water on fish. Whereas, one of the highest priorities of the new Congress and the Trump administration will be to stem the related regulatory overreach of these agencies, which would serve to increase our water supply, one of Congressman Carbajal's first votes was against the Regulatory Accountability Act of 2017.

The Environmental Protection Agency was caught attempting to load the public record, in effect lobbying, to gain regulatory authority over all the waters in the United States, whereas, the existing Clean Water Act only gives the EPA primary authority over waters that flow between the states. The EPA's goal would have exacerbated our dire water situation.

Carbajal's fellow democratic legislator, Congressman Collin Peterson, had this to say: "This amendment will prohibit federal agencies from using taxpayer dollars to advocate on behalf of a rule or generate comments to overwhelm the record with one point of view. A GAO report documents how the EPA created a campaign to generate comments in support of the Water of the US, or WOTUS, rule. This is not how government, or the rulemaking process, is supposed to work. The comment period should be a time for agencies to hear from the public about what's good, what's bad or what needs to be fixed with a proposed rule. In my opinion, agencies too often take laws passed by Congress and turn them into something unrecognizable."

Unfortunately, Congressman Carbajal disagreed. Carbajal also voted against members of his own party condemning the UN's action against Israel and he is still supporting Obamacare! Let it be known, Salud Carbajal is no moderate democrat.

*First Published in the Santa Barbara News Press. Andy Caldwell is the Executive Director of the Coalition of Labor, Agriculture, and Business of Santa Barbara County, guest editorialist of the Santa Barbara News Press, and host of the Andy Caldwell Radio Show.*

# AMERICA'S SECOND CIVIL WAR

By Dennis Prager

It is time for our society to acknowledge a sad truth: America is currently fighting its second Civil War.

In fact, with the obvious and enormous exception of attitudes toward slavery, Americans are more divided morally, ideologically and politically today than they were during the Civil War. For that reason, just as the Great War came to be known as World War I once there was World War II, the Civil War will become known as the First Civil War when more Americans come to regard the current battle as the Second Civil War.



**New York's Irish Brigade  
assaults the Confederate  
position at Fredericksburg,  
December, 1863**

This Second Civil War, fortunately, differs in another critically important way: It has thus far been largely nonviolent. But given increasing left-wing violence, such as riots, the taking over of college presidents' offices and the illegal occupation of state capitols, nonviolence is not guaranteed to be a permanent characteristic of the Second Civil War.

There are those on both the left and right who call for American unity. But these calls are either naive or disingenuous. Unity was possible between the right and liberals, but not between the right and the left.

Liberalism -- which was anti-left, pro-American and deeply committed to the Judeo-Christian foundations of America; and which regarded the melting pot as the American ideal, fought for free speech for its opponents, regarded Western civilization as the greatest moral and artistic human achievement and viewed the celebration of racial identity as racism -- is now affirmed almost exclusively on the right and among a handful of people who don't call themselves conservative.

The left, however, is opposed to every one of those core principles of liberalism.

Like the left in every other country, the left in America essentially sees America as a racist, xenophobic, colonialist, imperialist, warmongering, money-worshipping, moronically religious nation.

Just as in Western Europe, the left in America seeks to erase America's Judeo-Christian foundations. The melting pot is regarded as nothing more than an anti-black, anti-Muslim, anti-Hispanic meme. The left suppresses free speech wherever possible for those who oppose it, labeling all non-left speech "hate speech." To cite only one example, if you think Shakespeare is the greatest playwright or Bach is the greatest composer, you are a proponent of dead white European males and therefore racist.

Without any important value held in common, how can there be unity between left and non-left? Obviously, there cannot.

There will be unity only when the left vanquishes the right or the right vanquishes the left. Using the First Civil War analogy, American unity was achieved only after the South was vanquished and slavery was abolished.

How are those of us who oppose left-wing nihilism -- there is no other word for an ideology that holds Western civilization and America's core values in contempt -- supposed to unite with "educators" who instruct elementary school teachers to cease calling their students "boys" and "girls" because that implies gender identity? With English departments that don't require reading Shakespeare in order to receive a degree in English? With those who regard virtually every war America has fought as imperialist and immoral? With those who regard the free market as a form of oppression? With those who want the state to control as much of American life as possible? With those who repeatedly tell America and its black minority that the greatest problems afflicting black Americans are caused by white racism, "white privilege" and "systemic racism"? With those who think that the nuclear family ideal is inherently misogynistic and homophobic? With those who hold that Israel is the villain in the Middle East? With those who claim that the term "Islamic terrorist" is an expression of religious bigotry?

The third significant difference between the First and Second Civil Wars is that in the Second Civil war, one side has been doing nearly all the fighting. That is how it has been able to take over schools -- from elementary schools, to high schools, to universities -- and indoctrinate America's young people; how it has taken over nearly all the news media; and how it has taken over entertainment media.

The conservative side has lost on every one of these fronts because it has rarely fought back with anything near the ferocity with which the left fights. Name a Republican politician who has run against the left as opposed to running solely against his or her Democratic opponent. And nearly all American conservatives, people who are proud of America and affirm its basic tenets, readily send their children to schools that indoctrinate their children against everything the parents hold precious. A mere handful protest when their child's teacher ceases calling their son a boy or their daughter a girl, or makes "slave owner" the defining characteristic of the Founding Fathers. With the defeat of the left in the last presidential election, the defeat of the left in two-thirds of the gubernatorial elections and the defeat of the left in a majority of House and Senate elections, this is likely the last chance liberals, conservatives and the right have to defeat the American left. But it will not happen until these groups understand that we are fighting for the survival of America no less than the Union troops were in the First Civil War.



*Dennis Prager is one of America's most respected radio talk show hosts. He has been broadcasting on radio in Los Angeles since 1982. His popular show became nationally syndicated in 1999 and airs live, Monday through Friday, 9:00 AM to Noon (Pacific Time) from his home station, KRLA. Widely sought after by television shows for his opinions, he's appeared on Fox and Friends, Red Eye, Hardball, Hannity, CBS Evening News, The Today Show and many others. This article first appeared on Dennis Prager's Radio Show Home Page on January 24, 2017. <http://www.dennisprager.com/>*

**COLAB Note:**

**February 1, 2017 at UC Berkeley.** Your education taxes at work at the world's most prominent public university. And your kid can't get in because the kids from India, China, and New York are smarter and go to better high schools. (Plus they pay lucrative out-of-state tuition).



How right is Prager?



**Protestors back dropped by a bonfire lapping up against the Student Union Building**

This past Wednesday a rally against the scheduled appearance of Milo Yiannopoulos at the University of California at Berkeley turned violent when a self-styled army in black camouflage swarmed the there-to-fore peaceful protest. Unlike Cal Poly, UCB caved and cancelled the speech. The University Police, Berkeley City Police, Alameda County Sheriff, and CHP did nothing. Innocent students were pepper sprayed and beaten by the rioters from the Alternate Left Democratic Party, Black Lives Matter, Young Communist Youth Brigade, Bay Area Anarchists Alliance (kind of an oxymoron), and the usual cadre of Bay Area criminal thugs who pour into Berkeley when a BART (Bay Area Rapid Transit) ALERT is called to mobilize them.<sup>1</sup> Two decades ago, the Berkeley Police promptly shut down riots. The Berkeley officer in the



<sup>1</sup>BART Alert – a noticing procedure which the left has set up in the Bay Area to concentrate demonstrators and rioters swiftly at a specific location by having them drop whatever they are doing and jump on Bay area Rapid Transit trains. BART itself calls alerts about train service disruptions in the normal course of its operations.

photo to the right was firing wooden dowel plugs at rioters in 1991, which sting like hell. The rioters left fast.



## ANNOUNCEMENTS

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*At intersection of Los  
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Applications that are not accepted will have the dues or donations promptly refunded.

(Revised 9/2016)